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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v.

10 CR 1223 (CM) (GWG)

5 DIDI CIULEI and LAURENTIU
6 MANTA,
7 Defendants.

8 New York, N.Y.
9 September 21, 2012
10 2:30 p.m.

11 Before:

12 HON. GABRIEL W. GORENSTEIN,

13 Magistrate Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 ROSEMARY NIDIRY

Assistant United States Attorney

18 JAMES KENEALLY, ESQ.

19 Attorney for Defendant Ciulei

20 MARK DeMARCO, ESQ.

21 Attorney for Defendant Manta

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1 (In open court; case called)

2 THE DEPUTY CLERK: Counsel please state your name for
3 the record.

4 MS. NIDIRY: Good morning, your Honor. Rosemary
5 Nidiry for the government.

6 MR. KENEALLY: Good morning, your Honor. James
7 Keneally of Kelley Dryer Warren LLP on behalf of Mr. Ciulei.

8 MR. DeMARCO: Mark DeMarco for Mr. Manta, who is
9 seated to my left, your Honor. Good morning.

10 THE COURT: Is there an interpreter?

11 THE DEPUTY CLERK: Yes, sir.

12 THE COURT: Swear in the interpreter.

13 THE DEPUTY CLERK: State your name for the record,
14 please.

15 THE INTERPRETER: Andrew Roa, R-o-a.

16 (Interpreter sworn)

17 THE COURT: Do you want to use the headphone?

18 THE INTERPRETER: Thank you, your Honor, but I think I
19 can hear you fine.

20 THE COURT: Okay. I have before me a consent to
21 proceed before a United States magistrate judge on a felony
22 plea allocution. What this says is you are agreeing to have
23 this plea taken by the United States magistrate judge instead
24 of a United States District Judge.

25 Is that correct?

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1 DEFENDANT CIULEI: Yes.

2 DEFENDANT MANTA: Yes.

3 THE COURT: I am going to ask the clerk to swear in
4 the defendants.

5 THE DEPUTY CLERK: Can you state your names for the
6 record, please.

7 DEFENDANT CIULEI: Didi Ciulei.

8 DEFENDANT MANTA: Laurentiu Manta.

9 (Defendants sworn)

10 THE DEPUTY CLERK: Thank you.

11 THE COURT: I am going to be asking some questions to
12 both of you and then sometimes I will address you separately.
13 For the moment I am asking questions and I would like you each
14 to give an answer. Mr. Ciulei, first. Always Mr. Ciulei
15 first. Mr. Manta second.

16 Let me ask you, tell me your full name.

17 DEFENDANT CIULEI: Didi Ciulei.

18 DEFENDANT MANTA: Manta Laurentiu Mugurel.

19 THE COURT: Do you each understand that any statements
20 you make here could be used against you in a prosecution for
21 perjury or making false statements?

22 DEFENDANT CIULEI: Yes.

23 DEFENDANT MANTA: Yes.

24 THE COURT: What is your age?

25 DEFENDANT CIULEI: 36.

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1 DEFENDANT MANTA: And I am 37.

2 THE COURT: Are you a citizen of the United States?

3 DEFENDANT CIULEI: No.

4 DEFENDANT MANTA: No.

5 THE COURT: Are you able to read and write in English?

6 DEFENDANT CIULEI: A little bit.

7 DEFENDANT MANTA: No.

8 THE COURT: What country are you a citizen of?

9 DEFENDANT CIULEI: I am Austrian.

10 DEFENDANT MANTA: I am from Romania.

11 THE COURT: Are you able to read and write in
12 Romanian?

13 DEFENDANT CIULEI: Yes.

14 DEFENDANT MANTA: Yes.

15 THE COURT: What is the extent of your formal
16 education?

17 DEFENDANT CIULEI: I finished high school, your Honor.

18 DEFENDANT MANTA: The same with me.

19 THE COURT: Are you now or have you recently been
20 under the care of a doctor or psychiatrist for any reason?

21 DEFENDANT CIULEI: I did see a medical doctor recently
22 because of a back issue.

23 THE INTERPRETER: And Mr. Manta says, No.

24 THE COURT: I request to talk to the translator for a
25 second.

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1 (Pause)

2 THE COURT: Let me ask each you have you ever been
3 hospitalized in the past for mental illness?

4 DEFENDANT CIULEI: No.

5 DEFENDANT MANTA: No.

6 THE COURT: If you can each wait until the other gives
7 an answer. Once again, Mr. Ciulei needs to speak first.
8 Mr. Manta, can you wait until the interpreter interprets
9 Mr. Ciulei's answer before you give your answer.

10 Do you understand that?

11 DEFENDANT MANTA: Yes.

12 DEFENDANT CIULEI: Yes.

13 THE COURT: Mr. Ciulei will answer, the interpreter
14 will interpret the answer, Mr. Manta will answer, the
15 interpreter will interpret Mr. Manta's answer.

16 Have you ever been hospitalized in the past for
17 alcoholism?

18 DEFENDANT CIULEI: No.

19 DEFENDANT MANTA: No.

20 THE COURT: For narcotics addiction?

21 DEFENDANT CIULEI: No.

22 DEFENDANT MANTA: No.

23 THE COURT: As you sit here today are you under the
24 influence of any drug or alcoholic drink?

25 DEFENDANT CIULEI: No.

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1 DEFENDANT MANTA: No.

2 THE COURT: Have you been able to understand
3 everything that has been said to you today through the
4 interpreter?

5 DEFENDANT CIULEI: Yes.

6 DEFENDANT MANTA: Yes.

7 THE COURT: Are you aware of the indictment in this
8 case, which contains the charges against you?

9 DEFENDANT CIULEI: Yes.

10 DEFENDANT MANTA: Yes.

11 THE COURT: Has it been translated for you?

12 DEFENDANT CIULEI: Yes.

13 DEFENDANT MANTA: Yes.

14 THE COURT: Do you understand what it says you did?

15 DEFENDANT CIULEI: Yes.

16 DEFENDANT MANTA: Yes.

17 THE COURT: Have you had a chance to discuss the
18 charges and how you wish to plead with your attorney?

19 DEFENDANT CIULEI: Yes.

20 DEFENDANT MANTA: Yes.

21 THE COURT: Are you satisfied with your attorney's
22 representation of you?

23 DEFENDANT CIULEI: Yes.

24 DEFENDANT MANTA: Yes.

25 THE COURT: Have you had a full opportunity to discuss

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1 this case with him?

2 DEFENDANT CIULEI: Yes.

3 DEFENDANT MANTA: Yes.

4 THE COURT: Are you ready to enter a plea?

5 DEFENDANT CIULEI: Yes.

6 DEFENDANT MANTA: Yes.

7 THE COURT: Count One of the indictment charges you
8 with conspiracy to commit bank fraud. It is alleged this
9 occurred between March 2010 and May 29th, 2011.

10 Do you understand this charge?

11 DEFENDANT CIULEI: Yes.

12 DEFENDANT MANTA: Yes.

13 THE COURT: How do you wish to plead, guilty or not
14 guilty?

15 DEFENDANT CIULEI: Guilty.

16 DEFENDANT MANTA: Guilty.

17 THE COURT: Count Three of this indictment charges you
18 with conspiracy to commit access device fraud. Access devices
19 include things like credit card numbers and PIN numbers and
20 passwords.

21 Do you understand this charge?

22 DEFENDANT CIULEI: Yes.

23 DEFENDANT MANTA: Yes.

24 THE COURT: How do you wish to plead, guilty or not
25 guilty?

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1 DEFENDANT CIULEI: Guilty.

2 DEFENDANT MANTA: Guilty.

3 THE COURT: I want you to understand the maximum
4 penalties of these charges.

5 THE INTERPRETER: I didn't get that, your Honor.

6 THE COURT: I want you to understand the maximum
7 penalties for these charges. Count One has a maximum sentence
8 of 30 years' imprisonment, also a maximum fine of one million
9 dollars or twice what was gained because of the offense, or
10 twice what was loss to someone, other than you, because of the
11 offense, also a \$100 special assessment and restitution must be
12 ordered. In addition there is a maximum term of five years'
13 supervised release.

14 Do you understand the maximum penalties I have just
15 described for Count One?

16 DEFENDANT CIULEI: Yes.

17 DEFENDANT MANTA: Yes.

18 THE COURT: Count Three has a maximum sentence of
19 seven and one half years' imprisonment and a maximum term of
20 three years' supervised release. There is also a fine of the
21 greater of \$250,000 or twice what was gained because of the
22 offense or twice what someone other than you lost because of
23 the offense. There is also a \$100 special assessment and
24 restitution must be ordered.

25 Do you understand these maximum penalties?

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1 DEFENDANT CIULEI: Yes.

2 DEFENDANT MANTA: Yes.

3 THE COURT: If the prison terms ran consecutively, you
4 would be facing a maximum term of 37 and one half years in
5 prison.

6 Do you understand that?

7 DEFENDANT CIULEI: Yes, I understand.

8 DEFENDANT MANTA: Yes, I understand.

9 THE COURT: Do you also understand that if as part of
10 your sentence you are placed on a term of supervised release
11 and then you were to violate any of the conditions of that
12 release, you could face an additional term of imprisonment?

13 DEFENDANT CIULEI: Yes, I do.

14 DEFENDANT MANTA: Yes, I understand.

15 THE COURT: Do you understand that this conviction may
16 have consequences for your ability to remain in the United
17 States?

18 DEFENDANT CIULEI: Yes, I understand.

19 DEFENDANT MANTA: Yes, I understand.

20 THE COURT: Do you understand that your deportation
21 may be mandatory?

22 DEFENDANT CIULEI: Yes.

23 DEFENDANT MANTA: Yes, I understand.

24 THE COURT: Have you discussed these immigration
25 matters with your attorney?

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1 DEFENDANT CIULEI: Yes.

2 DEFENDANT MANTA: Yes.

3 THE COURT: Do you understand that you have a right to
4 plead not guilty to these charges and the right to a jury trial
5 if you wish?

6 DEFENDANT CIULEI: Yes.

7 DEFENDANT MANTA: Yes.

8 THE COURT: Do you understand that if you pled not
9 guilty and went to trial, you would be presumed innocent and
10 the burden would be on the government to prove your guilt
11 beyond a reasonable doubt?

12 DEFENDANT CIULEI: Yes, I understand.

13 DEFENDANT MANTA: Yes, I do understand.

14 THE COURT: I want you also to understand that there
15 are a number of other rights that you would have if you pled
16 not guilty and went to trial. If you went to trial, you would
17 be entitled to be represented by an attorney at all stages of
18 the case. If you could not afford to hire an attorney, the
19 Court would provide one for you for free.

20 DEFENDANT CIULEI: Yes, I understand.

21 THE COURT: At a trial you would be entitled to
22 confront and cross-examine any witnesses called by the
23 government to testify against you. You would be entitled to
24 testify on your own behalf. You could call witnesses and
25 present evidence and the Court would issue subpoenas at your

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1 request to compel witnesses to appear. Also, at a trial you
2 would not be required to testify against yourself.

3 Do you understand the rights I have just described?

4 DEFENDANT CIULEI: Yes, I do understand.

5 DEFENDANT MANTA: Yes, I do understand.

6 THE COURT: Do you understand you will give up all
7 these rights if you plead guilty?

8 DEFENDANT CIULEI: Yes, I understand.

9 DEFENDANT MANTA: Yes, I understand.

10 THE COURT: Do you understand that if you enter a
11 guilty plea you are not going to be able to withdraw this plea
12 and the only remaining step in this case will be the
13 sentencing?

14 DEFENDANT CIULEI: Yes, I understand.

15 DEFENDANT MANTA: Yes, I understand.

16 THE COURT: Do you understand that the decision of
17 what is the appropriate sentence in your case will be entirely
18 up to the judge who sentences you. She will be limited only by
19 what the law requires.

20 DEFENDANT CIULEI: Yes, I understand.

21 DEFENDANT MANTA: Yes, I understand.

22 THE COURT: Do you understand that even if you are
23 surprised or disappointed by your sentence, you will still be
24 bound by your guilty plea?

25 DEFENDANT CIULEI: I understand.

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1 DEFENDANT MANTA: I understand.

2 THE COURT: Knowing all this, do you still wish to
3 plead guilty to Counts One and Three of the indictment?

4 DEFENDANT CIULEI: Yes.

5 DEFENDANT MANTA: Yes.

6 THE COURT: Have any force or threats been used either
7 directly or indirectly to influence how you plead today?

8 DEFENDANT CIULEI: No.

9 DEFENDANT MANTA: No.

10 THE COURT: I have before me a letter containing the
11 plea agreements dated August 9th from the government to each of
12 your attorneys. Let me first ask if this letter was translated
13 for you?

14 DEFENDANT CIULEI: No.

15 DEFENDANT MANTA: Yes.

16 THE COURT: Mr. Keneally?

17 MR. KENEALLY: Yes, your Honor.

18 THE COURT: The letter has not been translated?

19 MR. KENEALLY: It was not translated, your Honor.
20 Mr. Ciulei was able to read the letter and he and I spent many
21 hours going over each and every item in the letter.

22 THE COURT: Did you use an interpreter.

23 MR. KENEALLY: We did not. We conversed solely in
24 English in our attorney-client conversations.

25 THE COURT: Mr. Ciulei, were you able to read this

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1 letter in English?

2 DEFENDANT CIULEI: Yes.

3 THE COURT: Did you understand the letter in its
4 entirety?

5 DEFENDANT CIULEI: Yes.

6 THE COURT: Did you discuss it with your attorney?

7 DEFENDANT CIULEI: Yes.

8 THE COURT: Did you discuss it in English with your
9 attorney?

10 DEFENDANT CIULEI: Yes.

11 THE COURT: Did he explain to you all of its terms and
12 conditions?

13 DEFENDANT CIULEI: Yes.

14 THE COURT: Did you discuss each of the terms and
15 conditions?

16 DEFENDANT CIULEI: Yes.

17 THE COURT: Mr. Manta, did you discuss this letter
18 with your attorney?

19 MR. DeMARCO: Your Honor, I proceeded the same way
20 with Mr. Manta. We were able to converse in English. I spent
21 many hours reviewing with him, previewing the previously
22 entered plea agreement in English. He is able to read it. He
23 understood everything that I said to him. He is just more
24 comfortable in the courtroom setting when his nerves may get
25 the best of him with an interpreter.

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1 THE COURT: Sir, did you read this agreement in
2 English?

3 DEFENDANT MANTA: Yes.

4 THE COURT: Did you discuss it with your attorney in
5 English?

6 DEFENDANT MANTA: Yes.

7 THE COURT: When you read the letter, did you
8 understand all the words in it?

9 DEFENDANT MANTA: Yes.

10 THE COURT: Did you discuss each of the terms and
11 conditions with your attorney?

12 DEFENDANT MANTA: Yes.

13 THE COURT: Let me confirm, Mr. Ciulei, did you sign
14 the agreement on the last page?

15 DEFENDANT CIULEI: Yes.

16 THE COURT: Mr. Manta, did you sign it on the last
17 page?

18 DEFENDANT MANTA: Yes.

19 THE COURT: Apart from what is contained in this
20 letter, have any promises been made to you in order to get you
21 to plead guilty?

22 THE INTERPRETER: Your Honor, can you repeat, please?

23 THE COURT: Apart from what is contained in this
24 letter, have any promises been made to you in order to get you
25 to plead guilty?

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1 DEFENDANT CIULEI: No.

2 DEFENDANT MANTA: No.

3 THE COURT: Addressing Mr. Ciulei, in reviewing this
4 agreement, I see it contains an analysis of how part of our law
5 of sentencing known as the Sentencing Guidelines may affect any
6 prison term in your case. Based on that analysis, the
7 agreement states the conclusion that the guidelines sentencing
8 range to be expected to be between 51 and 63 months.

9 THE INTERPRETER: I am sorry, your Honor 51?

10 THE COURT: And 63 months.

11 Do you understand this?

12 DEFENDANT CIULEI: Yes.

13 THE COURT: Addressing Mr. Manta, the analysis in the
14 agreement states that the sentencing guidelines range can be
15 expected to be between 41 and 51 months.

16 Do you understand this?

17 DEFENDANT MANTA: Yes.

18 THE COURT: Do you each understand that the judge who
19 sentences you is not bound by the calculation in this letter
20 and she can do her own calculation, which could result in a
21 different guideline range?

22 DEFENDANT CIULEI: Yes, I understand.

23 DEFENDANT MANTA: Yes.

24 THE COURT: Do you understand that no matter what
25 range she thinks is called for by the guidelines, that range is

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1 just one of the factors that the judge will consider in
2 determining your sentence and the judge has discretion to give
3 you a sentence below or above the range anywhere up to the
4 maximum sentences of imprisonment I told you about earlier.

5 Do you understand?

6 DEFENDANT CIULEI: Yes, I understand.

7 DEFENDANT MANTA: Yes, I understand.

8 THE COURT: Let me address, Mr. Ciulei. Do you
9 understand that under the terms of this agreement, if you
10 receive a sentence of 63 months or less, you are giving up your
11 right to appeal that sentence or to challenge it in any other
12 way such as through a writ of habeas corpus?

13 DEFENDANT CIULEI: Yes, I understand.

14 THE COURT: Mr. Manta, do you understand under this
15 agreement if you get a sentence of 51 months or less, you are
16 giving up your right to appeal that sentence or to challenge it
17 in any other way such as through a writ of habeas corpus; do
18 you understand?

19 DEFENDANT MANTA: Yes, I understand.

20 THE COURT: Is your plea voluntary, that is made of
21 your own free will?

22 DEFENDANT CIULEI: Yes.

23 DEFENDANT MANTA: Yes.

24 THE COURT: Did you in fact commit the offenses that
25 are charged in Counts One and Three of the indictment?

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1 DEFENDANT CIULEI: Yes.

2 DEFENDANT MANTA: Yes.

3 THE COURT: Before I will ask each of you to tell me
4 what you did, I am going to ask the government to summarize the
5 elements of offenses and if they wish to tell me any evidence
6 it would have offered at trial.

7 MS. NIDIRY: With regard to Count One, the charge is
8 conspiracy commit bank fraud, the elements of conspiracy, which
9 applies to both counts actually, is that there was an agreement
10 between two or more persons, an unlawful agreement, in this
11 case on Count One with the object of committing bank fraud and
12 in Count Three of committing access device fraudulent; second,
13 that the defendant knowingly and willfully became a member of
14 that unlawful agreement; and third, that one of the members, at
15 least one of the members of the conspiracy knowingly committed
16 at least one overt act in furtherance of the conspiracy in the
17 Southern District of New York.

18 The elements of bank fraud with regard to the object
19 of Count One, first there was a scheme to defraud a bank or
20 obtain money or funds owned or under the custody or control of
21 a bank by means of material, false or fraudulent pretenses;
22 second, that the defendants executed or attempted to execute
23 the scheme with that intent; and third that at the time of the
24 execution of the scheme, the bank had its deposits insured by
25 the FDIC. Then with regard to Count One --

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1 THE COURT: Count Three. Are you still on Count One?

2 MS. NIDIRY: Yes, Count One.

3 That these defendants joined in a conspiracy
4 themselves with at least two others to place skimming devices
5 on PIN pads at teller stations at Citibank and Chase branches
6 in Miami, Chicago as well as Manhattan and through these
7 skimming devices -- first both on the teller pads and also on
8 the card readers outside the ATM machines that through these
9 skimmer devices they were able to steal ATM PIN codes and they
10 used to that information to steal over one million dollars from
11 the bank accounts, that the victim banks included bank branches
12 in Manhattan of Chase and Citibank and that both of those banks
13 are FDIC ensured.

14 With regard to Count Three, the object of that
15 conspiracy is access device fraud. With regard to that, the
16 elements of that access device fraud as set forth in the
17 indictment are first that the defendants trafficked in --
18 agreed to traffic in or used one or more unauthorized access
19 devices during any one-year period and by such conduct obtained
20 anything of value aggregating \$1,000 or more during that
21 period, that the defendants.

22 THE INTERPRETER: Excuse me. How much did you say?

23 MS. NIDIRY: \$1,000 or more.

24 That the defendants possessed -- agreed to possess 15
25 or more devices, which are counterfeit or unauthorized access

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1 devices and that they affected transactions with those devices
2 equal to obtain money equal to or greater than \$1,000.

3 And then as a legal matter the government would
4 proffer that bank account information, individual identifying
5 bank information, and PIN information are together or
6 separately access devices under the statute.

7 In connection with this count as stated before, the
8 defendants placed these skimming devices on banks in Manhattan,
9 as well as in Miami and Chicago and through that they stole
10 bank account information and card user account informations and
11 PIN codes including for at least 15 accounts and the conspiracy
12 stole over one million dollars so it meets the \$1,000 threshold
13 within a one-year period. The conspiracy existed between
14 March 2010 and May 2011.

15 And the government would be able to prove that the
16 defendants are guilty of these charges through the following
17 evidence: Bank video surveillance, agent surveillance,
18 postarrest statements.

19 THE INTERPRETER: I didn't get it.

20 MS. NIDIRY: Postarrest statements.

21 THE COURT: After the arrest.

22 MS. NIDIRY: Recordings, coconspirator testimony, and
23 items seized from the defendants' vehicle, apartments and hotel
24 room, that includes skimming materials and records including
25 phone records, airline records, rental car records and bank

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1 records.

2 THE COURT: Mr. Ciulei, please tell me what it is that
3 you did that makes you guilty of this offense.

4 DEFENDANT CIULEI: Your Honor, during 2010 and 2011 I
5 was part of the conspiracy to make unauthorized withdrawals
6 from bank accounts at JP Morgan Chase and Citibank. I was a
7 member of the conspiracy that would install devices that record
8 account information from the bank cards which the conspirators
9 could use them --

10 THE COURT: Conspirators could?

11 DEFENDANT CIULEI: Could access money from those
12 accounts.

13 I met with the coconspirators in New York City and
14 Miami to discuss the workings and status of our plan. I also
15 attempted to install the devices in bank branches in Chicago in
16 furtherance of this plan. I am sorry for my actions and for
17 the pain that I cause my wife and my son.

18 THE COURT: Sir, I saw you were reading from a
19 statement. Is that statement 100 percent accurate?

20 DEFENDANT CIULEI: Yes.

21 THE COURT: That is actually what happened, sir?

22 DEFENDANT CIULEI: Yeah.

23 THE COURT: If I understood you, did you say you
24 attempted to install skimming devices or you actually installed
25 them?

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1 DEFENDANT CIULEI: Attempted.

2 THE COURT: Attempted.

3 As part of this plan was the group able to obtain
4 information, PIN information on more than 15 bank accounts?

5 DEFENDANT CIULEI: Yes.

6 THE COURT: Did it yield more than a thousand dollars
7 within a one-year period?

8 DEFENDANT CIULEI: Yes.

9 THE COURT: Were some of the banks in Manhattan?

10 DEFENDANT CIULEI: Excuse me, your Honor?

11 THE COURT: Some of the banks were in Manhattan?

12 DEFENDANT CIULEI: Yes.

13 THE COURT: I forget what your banking proffer is.
14 Some banks are in Manhattan?

15 MS. NIDIRY: Yes.

16 THE COURT: Anything else the government wants me to
17 ask?

18 MS. NIDIRY: I don't recall if he mentioned about the
19 15 or more.

20 THE COURT: Yes, I asked him.

21 MS. NIDIRY: Okay.

22 THE COURT: Nothing else?

23 MS. NIDIRY: The government would proffer that
24 coconspirators did successfully install devices in addition to
25 attempts to install devices.

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1 THE COURT: Anything else from counsel I should ask?

2 MR. KENEALLY: No, your Honor.

3 THE COURT: Mr. Manta, can you tell me what it is that
4 makes you guilty of these charges?

5 DEFENDANT MANTA: In the year 2010 to 2011 I was part
6 of a conspiracy that had an aim to steal information of bank
7 accounts belonging to the Chase Bank and the Citibank, which
8 means the members of this conspiracy were installing devices in
9 the -- and they would register the information on these devices
10 from the debit cards. Later on the information stolen from the
11 debit cards would be used to withdraw moneys from the
12 corresponding account.

13 During this period of time, I met several times with
14 several coconspirators in Miami and in New York and Chicago in
15 order to discuss the modus operandi. I assisted other members
16 of the conspiracy to install these devices, which were meant to
17 steal the information, the bank information from the cards in
18 Chicago. I was aware that the stealing of these bank account
19 information and also the installation of the devices was an
20 illegal act.

21 THE COURT: Sir, it looked like you were reading from
22 a statement. Is that correct?

23 DEFENDANT MANTA: Yes.

24 THE COURT: Is everything that you just said
25 100 percent accurate?

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1 DEFENDANT MANTA: Yes.

2 THE COURT: Was it a part of this plan that
3 information on those 15 accounts would be stolen?

4 DEFENDANT MANTA: Yes.

5 THE COURT: Was more than \$1,000 taken in a one-year
6 period?

7 DEFENDANT MANTA: Yes.

8 THE COURT: When you met with people in New York was
9 that in Manhattan or the Bronx?

10 DEFENDANT MANTA: In Manhattan.

11 THE COURT: This was in 2010 and 2011, sir?

12 DEFENDANT MANTA: Yes.

13 THE COURT: Anything else the government wants me to
14 ask?

15 MS. NIDIRY: I think that's sufficient, your Honor.

16 THE COURT: Defense counsel?

17 MR. DeMARCO: No, thank you.

18 THE COURT: On the basis of the defendants' responses
19 to my questions and my observation of their demeanor, I find
20 that both, that is, Didi Theodor Ciulei, A/K/A "Spirel," and
21 Laurentiu Mugual Manta, A/K/A "Mugur," is each fully competent
22 to enter an informed plea at this time. I also conclude that
23 each understands the nature of the charges and the consequences
24 of their pleas.

25 Finally, I am satisfied that the pleas are voluntary

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1 and that there is a factual basis for each of them.

2 Accordingly, I recommend the proffered pleas to Counts One and
3 Three of the indictment be accepted. Presentence investigation
4 is ordered.

5 Is there a sentencing date?

6 MS. NIDIRY: One additional matter.

7 THE COURT: Yes.

8 MS. NIDIRY: There is a forfeiture allegation in each
9 plea agreement and I just want to make sure the defendants
10 admit to the forfeiture allegations. It is on page 2.

11 THE COURT: Let me ask each of you if you are agreeing
12 to forfeit to the United States any money that resulted from
13 the charges to which you just plead.

14 DEFENDANT CIULEI: Yes.

15 DEFENDANT MANTA: Yes.

16 THE COURT: Anything else from the government?

17 MS. NIDIRY: No, your Honor.

18 THE COURT: Defense counsel?

19 MR. KENEALLY: No, your Honor. Thank you.

20 MR. DeMARCO: No. Thank you, your Honor.

21 THE COURT: Thank you.

22 ooo